

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

**JOHN C. TOWNS,** )  
                        )  
                        )  
**Plaintiff,**       )  
                        )  
                        )  
**vs.**                )              **Case No. 4:05CV2385 RWS**  
                        )  
                        )  
**JO ANNE B. BARNHART,**       )  
**Commissioner of Social Security,**   )  
                        )  
**Defendant.**       )

**MEMORANDUM AND ORDER**

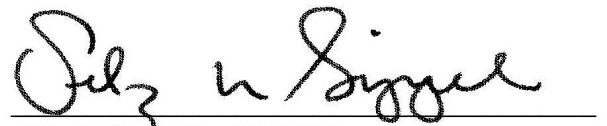
This is an action under 42 U.S.C. § 405(g) for judicial review of the final decision of Jo Anne B. Barnhart, the Commissioner of Social Security, denying Johns C. Towns disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-433, and supplemental security income benefits under Title XVI of the Act, 42 U.S.C. §§ 1381-1383b. Plaintiff has filed a brief in support of his complaint; the Commissioner has filed a brief in support of her answer.

This matter was referred to United States Magistrate Judge Thomas C. Mummert, III, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b). Judge Mummert's Report and Recommendation recommends that the decision of the Commissioner be reversed and the case be remanded for further proceedings.

I agree with Judge Mummert's recommendation. Therefore, I adopt the Report and Recommendation of Judge Mummert.

Accordingly,

**IT IS HEREBY ORDERED** that the decision of the Commissioner is **REVERSED** and that this case is **REMANDED** for further proceedings as set forth in Judge Mummert's Report and Recommendation.

  
\_\_\_\_\_  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 29th day of November, 2006.